



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



August 13, 2004

**CERTIFIED MAIL  
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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 04-15**

Microwave Development Company, Inc  
41 Northwestern Drive  
Salem, NH 03079

John Cook, President

**Microwave Development Company, Inc.  
Salem, New Hampshire  
EPA ID # NHD510015274**

Dear Mr. Cook

On July 14, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Microwave Development Company, Inc. ("MDC") in Salem, NH. The purpose of the inspection was to determine MDC's compliance status relative to RSA Ch 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**Env-Wm 502.01 – Hazardous Waste Determination**

At the time of the inspection, no formal hazardous waste determination had been performed for the waste cotton swabs contaminated with methyl ethyl ketone generated at MDC.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that MDC determine whether the waste cotton swabs contaminated with methyl ethyl ketone are a hazardous waste by either applying knowledge of the hazardous properties of the waste cotton swabs or by testing a representative sample of the waste cotton swabs. The analyses should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Please be advised that materials that are mixed with a listed hazardous waste are also regulated as hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if a cotton

swab is used in conjunction with an F-listed solvent (e.g., methyl ethyl ketone, acetone) the cotton swab is a hazardous waste. Materials that are mixed with characteristic hazardous wastes (e.g., ignitable, corrosive) are only hazardous if they continue to exhibit the characteristic after mixing has occurred, as specified in Env-Wm 404.01(a)(2).

MDC will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

**2 Env-Wm 507.01(a)(3) – Storage Requirements**

At the time of the inspection, one (1) satellite container of hazardous waste “paint” stored in the paint booth room satellite storage area was not closed. See the attached Container Inventory (“Inventory”).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that MDC ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

**3 Env-Wm 509.02(a)(2) – Personnel Training**

A review of MDC’s personnel training program revealed that the training plan did not include a written job description, including requisite skills, education and duties, for positions with hazardous waste management duties. The plan also did not contain a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that specific documents and records related to personnel training are maintained at the facility.

DES requests that MDC maintain a complete written personnel training program which documents hazardous waste job titles, job descriptions (including requisite skills, education and duties), names of employees filling each position, and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties (refer to the enclosed FQG Module). Please submit a copy of this personnel training program to DES.

**4. Env-Wm 509.02(a)(5) – Contingency Plan**

A review of MDC’s contingency plan revealed deficiencies regarding the following:

- (a) A physical description and a brief outline of the capabilities of emergency equipment;
- (b) Instructions to submit a written report to DES within 15 days after an incident and to include in the report the items listed in 40 CFR 265.56(j);
- (c) Instructions for the emergency coordinator to take all reasonable measures to ensure that fires, or releases of hazardous waste will not spread;
- (d) Instructions to notify DES if human health or the environment is threatened and to include in the notification the items listed in 40 CFR 265.56(d)(2)(i)-(vi); and
- (e) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that MDC revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

*In a July 26, 2004 submittal Anthony Genna, Brazing Supervisor, provided a revised and updated contingency plan. No further action is required.*

5 Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to list emergency numbers for the fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services. The emergency posting also failed to document the location of fire extinguishers, spill control material and alarms.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that MDC post the required information at the nearest telephone to the hazardous waste storage.

*In the July 26, 2004 submittal Anthony Genna provided a revised and updated emergency posting. No further action is required.*

6. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, MDC did not have on file copies of twelve (12) hazardous waste manifests certified by the designated facility, including:

- a. Manifest No. MAM990606, dated October 16, 2001
- b. Manifest No. NHH0056635, dated August 20, 2003

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies, including the original generator copy and the copy certified by the designated facility, for three (3) years from the date of signature by the generator.

DES requests that MDC obtain copies of the manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by MDC can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against MDC including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Duclos", followed by the word "for" in a cursive script.

John J. Duclos, Supervisor  
Hazardous Waste Compliance Section  
Waste Management Division

DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Hamel, Administrator, DES Legal Unit  
Anthony Genna, Microwave Development Company, Inc., 41 Northwestern Drive, Salem, NH 03079

E-mail: JJD/SD/MM/PM

Enclosure: Hazardous Waste Generator Inspection Report